

Hearings

If you do not agree with the cited violations, or feel the violations were cited incorrectly, the first step is to discuss the problem with the Bureau's code administration officer assigned to the area in which the property is located, or, if a penalty has already been assessed, with the compliance officer assigned to that area.

However, if the case cannot be resolved, you may request an administrative hearing. Such a request, stating the area(s) of disagreement, should be sent in writing to:

**Department of Community Affairs
Division of Codes and Standards
Attention: Hearing Coordinator
P.O. Box 802
Trenton, N.J. 08625-0802**

The Bureau must receive the hearing requests within 15 days of the date you received the Inspection Report or Penalty Notice.

Additionally, if you disagree with the administrative hearing decision, you may appeal to the Appellate Division of the New Jersey Superior Court.

If you do not request a hearing, and the Bureau subsequently takes you to court to collect a penalty, you cannot then raise any objections to the Inspection Report, as the only issue before the court at that time will be whether the Inspection Report was properly served and/or whether a fine was paid.

Definitions

■ Multiple Dwelling

A "multiple dwelling" is a building containing three or more units of dwelling space occupied, or intended to be occupied, by three or more persons living independently of each other. The courts have held that rented rooms are considered separate dwelling units. Owner-occupied units are included in determining a building's total number of units. A group of 10 or more, two-family buildings under common ownership also is considered a multiple dwelling.

A building satisfying the legal definition of multiple dwelling is subject to the Hotel and Multiple Dwelling Law, even though it may be operated under a condominium, cooperative or mutual housing corporation form of ownership. There are, however, statutory exceptions for owner-occupied units in such types of buildings and retirement communities.

Attached houses, under common ownership, jointly containing three or more units, are considered to constitute a single multiple dwelling.

Rooming and boarding houses are not subject to the Hotel and Multiple Dwelling Law. However, under the Rooming and Boarding House Act of 1979, their owners and operators are required to be licensed by the State of New Jersey.

■ Hotels

"Hotels" are buildings with 10 or more units or sleeping facilities for at least 25 people, providing accommodations for transient or permanent guests. Properties commonly regarded as hotels, motor hotels, motels or established guesthouses in their communities are considered hotels regardless of the number of units.

■ Owners

An "owner," as defined by the Hotel and Multiple Dwelling Law, is not only the owner of record, but also any person who claims to own or who exercises control over the property.

Publications

The following publications are available from the Department of Community Affairs upon request by remitting a check or money order in the appropriate amount payable to: **Treasurer - State of New Jersey**. Please send payment to:

**Department of Community Affairs
Division of Codes and Standards
Bureau of Housing Inspection
PO Box 810
Trenton, NJ 08625-0810**

- **The Hotel & Multiple Dwelling Law - \$1**
- **Regulations for the Maintenance of Hotels and Multiple Dwellings - \$5**

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS



**Department of Community Affairs
Division of Codes and Standards
Bureau of Housing Inspection**

**P.O. Box 810
Trenton, N.J. 08625-0810**

**Inspections
(609) 633-6241**

**Registration and Inspection Reports
(609) 633-6210**

**Penalties
(609) 633-6229**



James E. McGreevey
Governor



Susan Bass Levin
Commissioner

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS



Information for Owners of Hotels and Multiple Dwellings

A Three-Step Guide to the New Jersey Hotel and Multiple Dwelling Law



James E. McGreevey
Governor

Susan Bass Levin
Commissioner


Greetings from
Governor James E. McGreevey
and
Commissioner Susan Bass Levin

The New Jersey Hotel and Multiple Dwelling Law is designed to protect those who occupy and visit hotels and multiple dwellings, and to work with owners and managers of these buildings. Working together, we want to ensure occupant safety and building quality throughout the state.

This brochure is designed to help you understand your responsibilities in providing safe and well-maintained living conditions for New Jersey's visitors and residents. The process is broken down into three simple steps to provide you with the basic information you may need to understand the law, its regulations and requirements.

We truly hope this assists you in complying with the New Jersey Hotel and Multiple Dwelling Law and contributing to a better New Jersey.

With all good wishes,


James E. McGreevey
Governor


Susan Bass Levin
Commissioner

step 1

Introduction to the New Jersey Hotel and Multiple Dwelling Law

The Bureau of Housing Inspection, which administers the New Jersey Hotel and Multiple Dwelling Law (the Law) is part of the Department of Community Affairs' (DCA) Division of Codes and Standards. The Bureau is responsible for ensuring that hotels and multiple dwellings operating in New Jersey are properly maintained and do not pose a danger to the health, safety or welfare of the residents who live there or to the community in general.

To meet its objectives, DCA has the authority to enforce the regulations adopted under the authority of the Law and subchapter of the New Jersey Uniform Fire Safety Code to cite owners for violations.

step 2

Registration

You or your organization must register all of its buildings with DCA's Bureau of Housing Inspection by completing an application form and submitting a \$10 fee for each building. Applications may be obtained from the Bureau directly by calling (609) 633-6210.

Once a building is registered, it does not have to be registered again, unless it is sold, in which case it becomes the responsibility of the new owner to submit a new registration application and applicable fee(s) within 20 days of the transfer of ownership. Failure on the part of any organization to register the building(s) may result in a \$200 penalty.

step 3

The Inspection Process

By law, every hotel and multiple dwelling must be inspected at least once every five years.

An inspection fee, based on the total number of units in the building(s), must be paid by the organization after each of these inspections. Upon receipt of a complaint or for other valid reasons, the Bureau also has the right to inspect between cycles, however no fee is charged for these interim inspections.

Trained Bureau and local inspectors perform the inspections. In municipalities or counties participating in the State Local Cooperative Housing Inspection Program, the Bureau contracts to have local inspectors perform the inspections and submit their reports to the Bureau for processing. In municipalities or counties not participating in the program, state inspectors conduct the inspections.

Upon receipt of a Notice of Inspection, it is your responsibility to notify each unit occupant of the scheduled inspection date and time, and provide the inspector with access to all areas of the property, including the individual units.

After inspection, an Inspection Report, along with an application for a Certificate of Inspection, is mailed to you. If the report shows that you had no cited violations, you simply must return the application and required fee to the Bureau within 90 days from the date the application is received. (If the fee is not paid within the time allowed, a penalty for late payment will be assessed.)

If violations are found, you are given a minimum of 60 days from the date you receive the Inspection Report to correct the cited violations. If you find that you are unable to complete the repairs within the time allowed, you may request an extension in writing to the Bureau. This request must be submitted to the Bureau two weeks prior to the date by which all violations must be corrected and indicate:

- The progress that has been made in correcting the cited violations
- The remaining work
- The reason you are unable to complete the required work within the time already allotted
- An estimate of the additional time needed

If the request is reasonable, and the required fees have been paid, an extension will normally be granted.

Requests for extensions must be made in writing and sent to:

**Department of Community Affairs
Division of Codes and Standards
Bureau of Housing Inspection
P.O. Box 810
Trenton, N.J. 08625-0810**

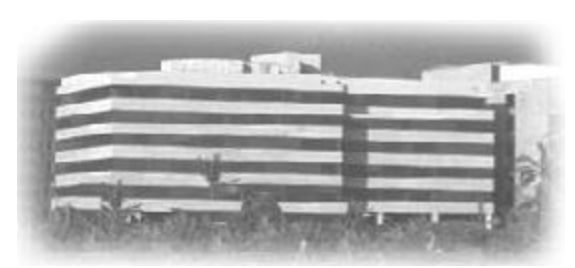
Other Information

Re-inspection

After the time allowed for correcting the violations (including any granted extensions) has passed, the property will be re-inspected and you will receive the results.

If all violations have been corrected, a Certificate of Inspection will be sent to you, provided you or your organization is registered and all other requirements have been met.

If any of the previously cited violations remain uncorrected, you will receive a Penalty Notice, along with a copy of the Re-inspection Report. Hotel owners must pay a fee for each dwelling unit re-inspected, regardless of the number of re-inspections required. Multiple dwelling owners are assessed a fee for each unit requiring re-inspection only after the first re-inspection.



Penalties

If you receive a Penalty Notice, you should contact the Bureau immediately, either by calling (609) 633-6229 and asking to speak to the compliance officer assigned to the county in which the property is located or by writing to:

**Department of Community Affairs
Division of Codes and Standards
Bureau of Housing Inspection
Compliance Unit
P.O. Box 810
Trenton, N.J. 08625-0810**

If a settlement agreement is reached with the Bureau at that time, and you agree to pay the penalty, you may then receive additional time to correct all violations. Should violations continue to remain uncorrected at the end of that time, you will be subject to additional penalties and another re-inspection. More substantial penalties will continue to be levied until all violations are corrected.

Failure to pay a penalty(ies) will result in legal action against you.

Exceptions

Within 30 days of receipt of the Inspection Report, you may request an exception to abate any listed violation(s). An exception can only be granted if correcting the violation, as required by the Bureau, would cause you undue hardship. (Financial hardship alone is insufficient justification). Furthermore, the request must include an alternate means of complying with the Law that would afford the building's occupants, or the public in general, the same degree of protection. Exception requests must be submitted in writing to:

**Department of Community Affairs
Division of Codes and Standards
Bureau of Housing Inspection Exceptions
P.O. Box 810
Trenton, N.J. 08625-0810**